

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL ACTION NO. 3:97-CR-00006-NBB

MAURICE CLIFTON

DEFENDANT

ORDER DENYING DEFENDANT'S MOTION
TO PROCEED IN FORMA PAUPERIS ON APPEAL

This cause comes before the court upon Defendant Maurice Clifton's *pro se* motion for leave to proceed *in forma pauperis* ("IFP") on appeal pursuant to Rule 24(a)(1) of the Federal Rules of Appellate Procedure. An appellant seeking to proceed IFP on appeal must demonstrate both that he is financially unable to pay the required filing fees and that the appeal is not frivolous. *See Crider v. Scott*, 50 F.3d 1033, 1033 (5th Cir. 1995) (citing *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982)). "The central inquiry is whether the movant can afford the costs of appeal without undue hardship or deprivation of the necessities of life." *Id.* (citing *Adkins v. E.I. Du Pont de Nemours & Co.*, 335 U.S. 331, 339 (1948)).

In the instant motion, Clifton alleges, in conclusory fashion, that he is unable to pay the Fifth Circuit's \$505.00 required filing fee. Clifton's prison account records, however, show an available balance of \$3,645.95. Thus, Clifton has failed to demonstrate that he lacks the financial ability to pay the required filing fees. Accordingly, the court finds that the instant motion is not well-taken and is, therefore, **DENIED**.

SO ORDERED AND ADJUDGED this, the 12th day of April, 2019.

/s/ Neal Biggers

NEAL B. BIGGERS, JR.

UNITED STATES DISTRICT JUDGE